

REMARKS

In response to the Office Action mailed September 20, 2005, Applicants respectfully request reconsideration. To further prosecution of this application, each of the issues raised in the Office Action is addressed herein.

Claims 4 through 116 and 120 through 234 are pending in this application, of which claims 4, 35, 109, 120, 151, and 226 are independent claims. In this amendment, claims 4 through 27, 31 through 35, 39 through 44, 46, 48 through 50, 52, 53, 57, 58, 60 through 63, 71, 74, 75, 77 though 84, 87 through 95, 99 through 104, 106, 109 through 114, 116, 120 through 143, 147 through 151, 155 through 161, 163, 165 through 167, 169 through 171, 174, 175, 177 though 180, 188, 189, 191, 192, 194 through 201, 204 though 213, 216 through 221, 223, 226, 228 though 232, and 234 have been amended and claims 1 through 3, 117 through 119, and 227 have been cancelled. No new matter is added by these amendments. The application is now believed to be in allowable condition.

A. Rejections under 35 U.S.C. §102

On page 2 of the Office Action, claims 4 through 26, 35 through 116, 120 through 142, and 151 through 234 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Ryczek (U.S. Patent No. 5,471,052). Applicants respectfully traverse these rejections.

1. Independent Claim 4 and Associated Dependents

Applicants' independent claim 4 is directed to a light system comprising a plurality of conduits. Each conduit is configured to be connected together in a modular fashion to form an assembly and has an at least partially transparent outer surface. The light system also includes a plurality of light engines spaced apart from each other within the assembly. At least one of the light engines is configured to generate light within and along a length of at least one of the conduits, wherein at least some of the light passes through the outer

surface of the at least one conduit along the length of and around a perimeter of the at least one conduit.

Ryczek does not disclose or suggest such a system. Instead, Ryczek describes a color detection system having LEDs that transmit light completely contained within optical devices such as optical fibers. In Ryczek, light exits an end of an optical device both in a chamber for illumination of a target object and at a detector used to monitor a characteristic of the light.

In stark contrast to the conduits described in Applicants' claim 4, the optical devices in Ryczek do not have at least partially transparent outer surfaces through which light passes. Ryczek describes its optical devices as being designed for "carrying the light generated by the plurality of light emitting diodes to the object" (Column 1, Line 19). No mention or suggestion is ever made in Ryczek of the outer surface of these optical devices having a partially transparent outer surface through which light passes. In fact, such a design for the optical devices would not be effective for carrying the light from the LEDs to the object since light would escape the optical devices before reaching the object.

Additionally, Ryczek provides no basis for the use of conduits configured to be connected together in a modular fashion in its system. Ryczek never describes the optical devices in its system as being modular. Moreover, Ryczek never mentions the optical devices in connection with any concepts related to modularity, such as the replaceability, removeability, or interchangeability of the optical devices in the overall system.

Unlike Ryczek, Applicants' claim 4 specifically recites that a plurality of conduits are configured to be connected together in a modular fashion to form an assembly and that each conduit has an at least partially transparent outer surface. In view of the foregoing, Applicants' claim 4 patentably distinguishes over Ryczek and is in condition for allowance. Therefore, the rejection of independent claim 4 under 35 U.S.C. §102(b) should be withdrawn. Claims 5 though 26 depend from claim 4 and hence are allowable based at least upon their dependency.

2. Independent Claim 35 and Associated Dependents

Applicants' independent claim 35 is directed to a lighting system comprising an elastomeric conduit having an at least partially transparent outer surface, a first end, and a second end. The lighting system also includes at least one light engine having a light source and a control system. The light engine is disposed proximate to at least one of the first end and the second end of the conduit and is configured to generate light within and along a length of the conduit so that at least some of the light passes through the outer surface along the length of and around a perimeter of the conduit.

Ryczek fails to disclose or suggest the system of claim 35. First, as described above, the optical devices described in Ryczek do not have at least partially transparent outer surfaces through which light passes.

Furthermore, the Office Action did not address independent claim 35's limitation requiring the use of an elastomeric conduit. In any case, Ryczek provides no teaching or suggestion of an elastomeric conduit; in particular, Ryczek does not describe any of its optical devices as displaying any elastic properties.

Unlike Ryczek, Applicants' claim 35 specifically recites an elastomeric conduit having an least partially transparent outer surface through which light passes. In view of the forgoing, Applicants' claim 35 patentably distinguishes over Ryczek and is in condition for allowance. Therefore, the rejection of independent claim 35 under 35 U.S.C. §102(b) should be withdrawn. Claims 36 though 108 depend from claim 35 and hence are allowable based at least upon their dependency.

3. Independent Claim 109 and Associated Dependents

Applicants' independent claim 109 is directed to a lighting system comprising at least one conduit lit by a first color changing illumination from a first light engine having a first controller and at least one first LED. The system further comprises at least one element lit by a second color changing illumination from a second light engine having a second controller and at least one second LED. The conduit is placed in a viewing path in front of

and at least partially blocking the element so as to produce illumination effects that represent the combination of the at least one conduit and the at least one element.

In contrast to the system recited in Applicants' claim 109, the system described in Ryczek uses only one controller for all light sources. No mention is made in Ryczek of separate controllers for multiple light sources; in fact, Ryczek's use of a single controller is made clear from Ryczek's Figures 2 and 7 which shows all LEDs of the system being connected to the same and only controller. Further, Ryczek describes control of the LEDs as being carried out by commands from "the microcontroller" (Column 5, Line 54).

Additionally, each of Ryczek's LEDs in and of themselves do not produce color changing illumination. Instead, Ryczek states that the system operates "in sequence the red LED, green LED and blue LED" (Column 4, Line 27). It is clear then that only one static color LED is on at a time; so, in each optical device of Ryczek there can be only one non-changing color of light when there is light at all.

Unlike Ryczek, Applicants claim 109 specifically recites two light engines having separate controllers and generating color changing illumination. In view of the foregoing, Applicants' claim 109 patentably distinguishes over Ryczek and is in condition for allowance. Therefore, the rejection of independent claim 109 under 35 U.S.C. §102(b) should be withdrawn. Claims 110 though 116 depend from claim 109 and hence are allowable based at least upon their dependency.

#### 4. Independent Claim 120 and Associated Dependents

Applicants' independent claim 120 is directed to a method of lighting an assembly comprised of a plurality of conduits. Each conduit of the assembly is configured to be connected together in a modular fashion and has an at least partially transparent outer surface. The method comprises generating light by a plurality of light engines spaced apart from each other within the assembly so that the generated light travels within and along a length of at least one conduit of the assembly. The method further comprises passing at

least some of the generated light through the outer surface of the at least one conduit along the length of and around the perimeter of the at least one conduit.

As described in detail above with respect to Applicants' independent claim 4, Ryczek does not describe the use conduits configured to be connected together in a modular fashion and having at least partially transparent outer surfaces through which light is passed. In view of the foregoing, Applicants' claim 120 patentably distinguishes over Ryczek and is in condition for allowance. Therefore, the rejection of independent claim 120 under 35 U.S.C. §102(b) should be withdrawn. Claims 121 though 142 depend from claim 120 and hence are allowable based at least upon their dependency.

5. Independent Claim 151 and Associated Dependents

Applicants' independent claim 151 is directed to a method of lighting an elastomeric conduit having an at least partially transparent outer surface, a first end, and a second end. The method comprises generating light by at least one light engine having a control system and a light source and being disposed proximate to at least one of the first end and the second end of the conduit. The at least one light engine is configured so that the generated light travels within and along a length of the conduit. The method further comprises passing at least some of the generated light through the outer surface of the conduit along the length of and around a perimeter of the conduit.

As described in detail above with respect to Applicants' independent claims 4 and 35, Ryczek does not describe the use of an elastomeric conduit or a conduit having an at least partially transparent outer surface through which light passes. In view of the foregoing, Applicants' claim 151 patentably distinguishes over Ryczek and is in condition for allowance. Therefore, the rejection of independent claim 151 under 35 U.S.C. §102(b) should be withdrawn. Claims 152 though 225 depend from claim 151 and hence are allowable based at least upon their dependency.

6. Independent Claim 226 and Associated Dependents

Applicants' independent claim 226 is directed to a method of lighting a system. The method comprises lighting at least one conduit by a first color changing illumination from a first light engine having a first controller and at least one first LED. The method further comprises lighting at least one element by a second color changing illumination from a second light engine having a second controller and at least one second LED. The at least one conduit is placed in a viewing path in front of and at least partially blocking the at least one element so as to produce illumination effects that represent the combination of the at least one conduit and the at least one element.

As described in detail above with respect to Applicants' independent claim 109, Ryczek describes only the use of one controller for all of its light sources and does not describe the use of color changing illuminations. In view of the foregoing, Applicants' claim 226 patentably distinguishes over Ryczek and is in condition for allowance. Therefore, the rejection of independent claim 226 under 35 U.S.C. §102(b) should be withdrawn. Claims 228 though 234 depend from claim 226 and hence are allowable based at least upon their dependency.

B. Rejections under 35 U.S.C. §103

On page 3 of the Office Action, claims 27 through 34, and 143 through 150 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable in view of Ryczek. Applicants respectfully traverse these rejections. Since claims 27 though 34 depend from independent claim 4 which should be allowable as described above, they too should be allowable at least based on this dependency. Additionally, since claims 143 though 150 depend from independent claim 120 which should also be allowable as described above, they too should be allowable based at least on this dependency.

C. General Comments on Dependent Claims

As noted elsewhere herein, since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is

unnecessary at this time to argue the allowability of each of the dependent claims individually. However, Applicants do not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

D. Conclusion

It is respectfully believed that all of the rejections, objections, or comments set forth in the Office Action have been addressed. However, the absence of a reply to a specific rejection, objection, or comment set forth in the Office Action does not signify agreement with or concession of that rejection, objection, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Furthermore, nothing in this paper should be construed as an intent to concede any issue with regard to any claim.

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes after this amendment that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 06-1448, reference CKB-112.01.

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